

Message Text

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ACTION CU-04

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 9279

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E.O. 11652: N/A

TAGS: SCUL

SUBJECT: AMENDMENTS TO FULBRIGHT AGREEMENT

REF: WEYL-STRAUS LETTER DECEMBER 6; BONN 16976;

DEPT A-6730

1. TO MAKE THE TEXT OF SUBJECT AMENDMENT MORE CONSISTENT WITH OUR INTENT TO TREAT IT AS AN AMENDMENT TO THE 1962 AGREEMENT RATHER THAN AS A NEW AGREEMENT IN DISGUISE, THE FRG FONOFF PROPOSES THAT WE ELIMINATE IN THE AMENDMENTS THE TWO REFERENCES TO THE 1962 AGREEMENT. THIS WILL ALSO MAKE IT EASIER TO GET THEM CLEARED BY THE FONOFF'S LEGAL DIVISION AND, IF THIS BECOMES UNAVOIDABLE, RATIFIED BY PARLIAMENT. HENCE IT IS PROPOSED:

A. TO ELIMINATE IN PARA TWO OF THE PREAMBLE THE INSERT "AMENDED BY AN EXCHANGE OF NOTES AND THE AGREEMENT OF NOVEMBER 20, 1962."

B. TO REWORD PARA TWO OF ARTICLE EIGHT AS FOLLOWS: "IN ADDITION TO THE FUNDS PROVIDED FOR IN THE PRECEDING PARAGRAPH, THE COMMISSION WILL, IN ORDER TO CARRY OUT THIS AGREEMENT, HAVE AT ITS DISPOSAL FUNDS AND PROPERTY MADE AVAILABLE TO IT BY THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA SINCE ITS ESTABLISHMENT."

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APPROVAL OF THESE CHANGES IS REQUESTED.

2. THE FONOFF BELIEVES THAT THE BUNDESRAT WILL INSIST ON RATIFYING THE AMENDMENTS SINCE THE 1962 AGREEMENT HAD TO BE RATIFIED BY IT IN VIEW OF THE EXEMPTIONS FROM US AND FRG LAWS GRANTED THE COMMISSION UNDER ARTICLE ONE. THE BUNDESRAT WILL INSIST, THE FONOFF FEARS, TO RATIFY ANY AMENDMENTS TO SUCH AN AGREEMENT EVEN IF THESE AMENDMENTS DO NOT ALTER ARTICLE ONE. AT THE EMBASSY'S URGINGS, THE FONOFF IS MAKING ANOTHER TRY TO GET OFF THE HOOK REGARDING THIS UNANTICIPATED REQUIREMENT WHICH WOULD DELAY THE AMENDMENTS ENTERING INTO FORCE BY MANY MONTHS.

3. IF THE BUNDESRAT REMAINS ADAMANT, WE PROPOSE TO CONCLUDE OUR NOTE TO THE FONOFF WITH A SENTENCE TO THE EFFECT THAT THE AMENDMENTS TO THE 1962 AGREEMENT WILL ENTER INTO FORCE ON THE DATE THE U.S. GOVERNMENT IS NOTIFIED BY THE FRG THAT THE DOMESTIC PREREQUISITES FOR THE ENTRY INTO FORCE HAVE BEEN MET. IN THIS FASHION THE PLANNED EXCHANGE OF NOTES ON JANUARY 10 OR 11 WILL STILL BE POSSIBLE.

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